

Message Text

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ACTION ARA-10

INFO OCT-01 ISO-00 SS-15 SCS-03 L-02 EB-07 COA-01 SCA-01

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TO SECSTATE WASHDC 6199

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E.O. 11652: N/A

TAGS: EFIS, MX

SUBJECT: SEIZURE OF U.S. FISHING VESSEL CLEMENTINA

REF: A) MEXICO 1220; B) MEXICO 1288

SUMMARY: FINAL DECISION ON TOTAL PENALTIES AGAINST CLEMENTINA ARE 11,561.60 DOLLARS. OWNER'S SON JACK CARINHAS SAYS THEY WILL PAY THIS AS SOON AS POSSIBLE TO GET THE VESSEL RELEASED. END SUMMARY.

1. FISHATT WAS INFORMED MORNING OF FEBRUARY 12 BY MEXICAN NAVY CAPTAIN ALVARO ARZAMENDI THAT UNDER SECRETARY FOR FISHERIES MEDINA NERI HAD DECIDED ON A BOND OF 85,000 PESOS (U.S. \$6,800) FOR RELEASE OF VESSEL, OR \$800 MORE THAN MINIMUM PRESCRIBED BY MEXICAN LAW. ARZAMENDI ALSO SAID THAT AT TIME OF SEIZURE CAPTAIN OF U.S. VESSEL HAD GONE ABOARD MEXICAN NAVAL VESSEL AND SIGNED A STATEMENT AGREEING WITH MEXICAN NAVY'S CALCULATION OF HIS POSITION AS 30 MILES SOUTH OF U.S.-MEXICAN BORDER AND 9 MILES OFF MEXICAN COAST.

2. SUBSEQUENTLY FISHATT WAS CALLED BY PEDRO OROZCO FROM TAMPICO WHO HAD BEEN RETAINED BY JACK CARINHAS (WHO IS NOT OWNER AS PREVIOUSLY REPORTED, BUT SON OF
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OWNER) TO ASSIST WITH DETAILS THERE. OROZCO SAID THEY HAD

BEEN PRESENTED WITH ADDITIONAL CHARGES IN TAMPICO OF 69,520 PESOS (U.S. \$5,561.60) IN THE FORM OF TAXES AND PENALTIES. MEXICAN LAW REQUIRES PAYMENT OF 225 PESOS PER NET REGISTERED TON OF FOREIGN VESSELS ENTERING PORT. CLEMENTINA IS 77 TONS. THE LAW ALSO REQUIRES PAYMENT OF ONE PESO PER KILO OF SHRIMP ABOARD. CLEMENTINA HAD 30 KILOS OF SHRIMP. IF THESE TAXES ARE NOT PAID THE LAW PROVIDES FOR A FINE OF THREE TIMES THE AMOUNT OF THE TAXES. THIS PENALTY OF THREE TIMES THE AMOUNT OF NORMAL TAXES HAS BEEN IMPOSED ON PREVIOUS U.S. VESSELS THAT HAVE BEEN CHARGED WITH FISHING IN MEXICAN WATERS, HOWEVER, IN THIS CASE THE TOTAL COMES TO FOUR TIMES THE NORMAL AMOUNT OF TAXES.

3. FISHATT CALLED DIRECTOR GENERAL OF FISHERY REGIONE, RAFAEL VEGA RIVAS, TO ASK WHY ADDITIONAL CHARGES WERE FOUR TIMES NORMAL INSTEAD OF THREE TIMES AS IN PAST. VEGA RIVAS EXPLAINED THAT THESE WERE CHARGES LEVELED BY HACIENDA (TREASURY) OVER WHICH HE HAD NO CONTROL. HE ADDED THAT HACIENDA HAD INFORMED THEM THAT A MISTAKE HAD BEEN MADE IN PREVIOUS CASES, THAT THE AMOUNT OF TIMES 3 WAS THE FINE AND THAT IN ADDITION IT WAS NECESSARY TO PAY THE REGULAR CHARGES MAKING A TOTAL OF FOUR. AFTER SOME DISCUSSION ABOUT THE EXCESSIVE AMOUNT OF THESE CHARGES AND OUR POSITION THAT A VESSEL ESCORTED INTO PORT BY THE MEXICAN NAVY COULD HARDLY BE ACCUSED OF ILLEGAL ENTRY VEGA RIVAS SAID HE WOULD DO ALL THAT WAS WITHIN HIS AUTHORITY, NAMELY TO REDUCE THE AMOUNT OF THE PENALTY FOR ILLEGAL FISHING FROM 85,000 PESOS TO THE LEGAL MINIMUM OF 75,000 PESOS. HE SAID HE WOULD CALL IMMEDIATELY TO TAMPICO TO INFORM FISHERY AGENT ANTONIO GARCIA OF THIS DECISION.

4. SHORTLY BEFORE COB ON FEBRUARY 12 FISHATT WAS CALLED BY OWNERS AGENT OROZCO WHO SAID THAT MESSAGE HAD BEEN RECEIVED IN TAMPICO OF REDUCTION OF BOND TO 75,000 PESOS BUT THAT GARCIA STILL DEMANDING 85,000. GARCIA'S EXPLANATION WAS THAT DOCUMENTS HAD ALREADY BEEN PREPARED IN AMOUNT OF 85,000 AND THAT THIS SHOULD BE PAID AND THAT WHEN DOCUMENTS WERE SUBSEQUENTLY AMENDED HE WOULD REFUND 10,000 PESOS. FISHATT ADVISED OROZCO TO DO NOTHING PENDING FURTHER DISCUSSION WITH VEGA RIVAS.

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5. VEGA RIVAS CONTACTED LATE EVENING OF FEBRUARY 12. HE AGREED THAT AGENT IN TAMPICO NOT FOLLOWING INSTRUCTIONS AND EVEN ACTING SOMEWHAT SUSPICIOUSLY. SAID HE WOULD STRAIGHTEN HIM OUT.

6. OROZCO CALLED FISHATT AFTERNOON OF FEBRUARY 13 TO SAY THAT INSTRUCTIONS HAD BEEN RECEIVED IN TAMPICO TO CHANGE

DOCUMENTS TO SHOW BOND OF 75,000 PESOS. OROZCO WAS UPSET BECAUSE JACK CARINHAS HAD INFORMED HIM THAT HE WAS SENDING THE MONEY FOR PAYMENT TO TAMPICO BANK IN NAME OF FREEZER PLANT KNOWN AS "CONGELADORA TAMPICO" OF WHICH A SR. OVANDO IS MANAGER. FISHATT HAD SUGGESTED TO CARINHAS THAT HE SEND MONEY TO TAMPICO BANK IN NAME OF U.S. SKIPPER AND LET OROZCO ASSIST SKIPPER IN SETTLING THE VARIOUS ACCOUNTS. OROZCO SAID THAT HIS PARTNERS IN FIRM OF "TRIGOS Y ASOCIADOS S.R.L." HAD DECIDED THAT HE SHOULD WITHDRAW FROM THE CASE RATHER THAN ACT AS A MESSENGER BOY FOR A FREEZER PLANT. HIS AGREEMENT WITH CARINHAS WAS THAT HE WOULD HANDLE CASE AT TAMPICO FOR U.S. \$75.00 PLUS EXPENSES. OROZCO FEELS HIS HONESTY IS BEING QUESTIONED AND SAYS HE IS WITHDRAWING FROM CASE.

7. WITH OR WITHOUT HELP OF OROZCO IT IS HOPED THAT PROPER PAYMENTS WILL BE MADE ON FEBRUARY 14 AND THAT CLEMENTINA WILL LEAVE TAMPICO.
JOVA

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